

### *Certification of Transmission*

I hereby certify that this correspondence is being sent via facsimile to the Commissioner of Patents in the U.S. Patent and Trademark Office on September 14, 2005.

## Ineke Sweeney

Name

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/600,180  
Applicant(s) : Pan, et al.  
Filed : June 20, 2003  
Title : Antimicrobial Compositions, Products and Methods  
Employing Same  
TC/A.U. : 1751  
Examiner : N. Ogden, Jr.  
Conf. No. : 9698  
Docket No. : 8980R2  
Customer No. : 27752

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER CO-PENDING APPLICATIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, The Procter & Gamble Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-pending Application Nos. 09/177,445 and 10/263,211. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on

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the pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 and §173 of any patent granted on the said pending application, as the term of any patent granted on said application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending application, in the event that any such patent granted on the pending application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney or agent of record.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) of \$130.00 for submission of this Terminal Disclaimer.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

David K. Mattheis

Typed or Printed Name

Registration No.: 48,683

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September 14, 2005  
Customer No. 27752

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<b>FEE TRANSMITTAL</b> <b>for FY 2005</b> Patent fees are subject to annual revision. Effective December 8, 2004		<b>Complete if Known</b>	
		Application Number	10/600,180
		Confirmation Number	9698
		Filing Date	June 20, 2003
		First Named Inventor	Pan
		Examiner Name	N. Ogden, Jr.
		Art Unit	1751
<b>TOTAL AMOUNT OF PAYMENT (\$1150)</b>		Attorney Docket No.	8980R2

<b>METHOD OF PAYMENT</b>			<b>FEES CALCULATION (continued)</b>		
1. <input checked="" type="checkbox"/> The Director is hereby authorized to charge indicated fees submitted on this form, credit any over payments, and charge any additional fee(s) during the pendency of this application to: Deposit Account Number: 16-2480 Deposit Account Name: The Procter & Gamble Company			5. <b>ADDITIONAL FEES</b>		
			<b>Fee Description</b>	<b>Fee Paid</b>	
			Extension for reply within 1 <sup>st</sup> month	(\$120) <input type="checkbox"/>	
			Extension for reply within 2 <sup>nd</sup> month	(\$450) <input type="checkbox"/>	
			Extension for reply within 3 <sup>rd</sup> month	(\$1,020) <input checked="" type="checkbox"/> [C]	
			Extension for reply within 4 <sup>th</sup> month	(\$1,590) <input type="checkbox"/>	
			Extension for reply within 5 <sup>th</sup> month	(\$2,160) <input type="checkbox"/>	
			Information Disclosure Statement fee	(\$180) <input type="checkbox"/>	
2. <b>BASIC FILING FEE - Large Entity</b>			37 CFR 1.16(f) Late Oath/Declaration (nonprovisional)	(\$130) <input type="checkbox"/>	
<b>FILING FEE</b>			37 CFR 1.17 (g) Surcharge - Late provisional filing fee or cover sheet	(\$50) <input type="checkbox"/>	
<b>SEARCH FEE</b>			Non-English specification	(\$130) <input type="checkbox"/>	
<b>EXAMINATION FEE</b>			Notice of Appeal	(\$500) <input type="checkbox"/>	
<b>Application</b>			Filing a brief in support of an appeal	(\$500) <input type="checkbox"/>	
<b>Type</b>	<b>FEE</b>	<b>Fee Paid</b>	Request for oral hearing	(\$1,000) <input type="checkbox"/>	
Utility	(\$300)	(\$500)	(Total = \$1000) <input type="checkbox"/>		
Design	(\$200)	(\$100)	(Total = \$430) <input type="checkbox"/>		
Reissue	(\$300)	(\$500)	(Total = \$1400) <input type="checkbox"/>		
Provisional filing fee			(Total = \$200) <input type="checkbox"/>		
3. <b>APPLICATION SIZE FEE:</b>			Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	(\$1,370) <input type="checkbox"/>	
Sheets of Spec and Drawings <input type="checkbox"/> (\$250 for each 50 sheets in excess of 100, except for sequence and program listings)			Other: <u>Statutory Disclaimer</u>	(\$130) <input checked="" type="checkbox"/> [X]	
<b>SUBTOTAL (2)+(3) (\$1150)</b>					
			<b>RECEIVED</b> <b>OIPE/IAP</b>		
			<b>SEP 15 2005</b>		
<b>Fee Description</b>					
Claims in excess of 20 (\$50 per claim)					
Independent claims in excess of 3 (\$200 per claim)					
Multiple dependent claim, if not paid (\$360)					
**Reissue: each independent claim over 3 and more than in the original patent (\$200 per claim)					
**Reissue claims: each claim over 20 and more than original patent (\$50 per claim)					
<b>SUBTOTAL (4) (\$1150)</b>			<b>SUBTOTAL(5) (\$1150)</b>		

<b>SUBMITTED BY</b>		Complete (if applicable)			
Name (Print/Type)	David K. Mattheis	Registration No. (Attorney/Agent)	48,683	Telephone	(513) 634-9359
Signature				Date	September 14, 2005

+ This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Footnote doc (Revised for P&G use 4/12/2005)